

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MITCHELL KEITH GOODRUM,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:23-cv-00546-MMD-CSD

ORDER

*Pro se* Plaintiff Mitchell Keith Goodrum filed this action in November 2023 bringing claims under 42 U.S.C. § 1983. (ECF No. 4 (“Amended Complaint”).) The Court screened Plaintiff’s Amended Complaint and allowed him to proceed with an Eighth Amendment deliberate indifference to serious medical needs claim against John and Jane Doe Defendants, who were later identified and substituted as Theodore Parento, Joseph Benson, Lorenzo Villegas, Gaylene Fukagawa, and Christy Coss. (ECF Nos. 9, 13, 20.) Defendants moved to dismiss the Amended Complaint on the basis that the doctrines of claim and issue preclusion apply, given a global settlement agreement entered to resolve numerous other cases brought by Plaintiff. (ECF No. 21 (“Motion”)<sup>1</sup>.) Now before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney, recommending that the Court grant Defendants’ Motion. (ECF No. 31.) To date, Goodrum has not objected to the R&R. For this reason, and as further explained below, the Court adopts the R&R and grants Defendants’ Motion to the extent described below.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“*De novo* review of the magistrate judges’ findings and

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<sup>1</sup>Plaintiff did not respond to the Motion.

1 recommendations is required if, but *only* if, one or both parties file objections to the  
2 findings and recommendations.”) (emphasis in original). As Judge Denney notes, on  
3 March 16, 2023, Plaintiff and various Nevada Department of Corrections (“NDOC”)   
4 defendants participated in a global settlement conference in five cases. See Case No.  
5 3:20-cv-00549-ART-CLB at ECF No. 80. The parties reached a settlement dismissing all  
6 cases except Case No. 3:20-cv-00549-ART-CLB, which Judge Baldwin agreed to monitor  
7 for a year to ensure compliance. (*Id.*) NDOC agreed, among other things, to schedule  
8 Plaintiff’s appointments with outside specialists, including a neurologist, mental health  
9 provider, and urologist, and to effectuate any treatment plans recommended by the  
10 specialists. At a March 14, 2024, status conference in Case No. 3:20-cv-00549-ART-CLB,  
11 Judge Baldwin found on the record—after considering Plaintiff’s motions related to  
12 NDOC’s compliance with the agreement—that all material terms of the settlement were  
13 complied with, including with respect to outside medical appointments and ongoing  
14 mental health care, and there was no breach of the agreement. Judge Baldwin ordered  
15 the stipulation for dismissal with prejudice and advised Plaintiff that he could not continue  
16 litigation in this Court related to the global settlement. (*Id.* at ECF No. 106.) District Judge  
17 Anne Traum entered the dismissal with prejudice on March 15, 2024. (*Id.* at ECF No.  
18 107.)

19 The Court agrees with Judge Denney that dismissal of the instant action is  
20 appropriate in light of the global settlement agreement. (ECF No. 31.) Plaintiff’s Eighth  
21 Amendment claims in this case arise from allegations that prison officials failed to provide  
22 medical treatment in accordance with the settlement agreement, but that issue—including  
23 specifically with regard to monitoring Plaintiff’s mental health care—has already been  
24 litigated. See Case No. 3:20-cv-00549-ART-CLB. See also *Taylor v. Sturgell*, 553 U.S.  
25 880, 892 (2008) (discussing issue preclusion). To the extent Plaintiff brings a claim for  
26 breach of the settlement agreement, the Court did not retain jurisdiction following  
27 dismissal of the other actions.

1 Accordingly, the Court adopts the R&R (ECF No. 31). The Court dismisses this  
2 action without prejudice only to the extent that Plaintiff may raise his claim for breach of  
3 the settlement agreement, if appropriate, in state court, and to the extent he may assert  
4 Eighth Amendment deliberate indifference claims regarding treatment beyond the scope  
5 of the settlement agreement.

6 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
7 No. 31) is accepted and adopted.

8 It is further ordered that Defendants' motion to dismiss (ECF No. 21) is granted.

9 It is further ordered that Plaintiff's Amended Complaint (ECF No. 4) is dismissed.  
10 The Amended Complaint is dismissed without prejudice only to the extent described in  
11 this order.

12 The Clerk of Court is further directed to enter judgment accordingly and close this  
13 case.

14 DATED THIS 14<sup>th</sup> Day of August 2025.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

16 MIRANDA M. DU  
17 CHIEF UNITED STATES DISTRICT JUDGE  
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